

In the City Council,  
City of Lodi,  
Lodi, California

*Original  
Signed Copy*

ORDINANCE NO. 361

AN ORDINANCE ESTABLISHING A PURCHASING SYSTEM FOR THE CITY OF LODI, CALIFORNIA; PROVIDING RULES AND REGULATIONS FOR MAKING THE NECESSARY PURCHASES FOR THE CITY OF LODI; CREATING THE OFFICE OF CITY PURCHASING AGENT; AND DEFINING HIS POWERS AND DUTIES.

The City Council of the City of Lodi does ordain as follows:

Section 1. ~~THE PURCHASING AGENT.~~ The purchasing agent shall be appointed by the City Council and shall be subject to their general direction and control. The purchasing agent shall give an official bond, to be approved by the City Attorney, as to form, and by the City Council as to sufficiency in the sum of \$ 5000.00.

Section 2. ~~SCOPE OF PURCHASING AUTHORITY.~~ It shall be the duty of the purchasing agent to purchase or contract for all supplies, materials, equipment, and contractual services needed by any and all agencies which derive their support from public funds and which are herein after referred to as the using agencies, subject to approval of the City Council, as hereinafter prescribed. Classes of commodities which may be ~~exempted~~ from centralized purchase provisions under certain conditions shall be determined by the City Council.

Section 3. REQUISITIONS AND ESTIMATES. All using agencies of the city shall file with the purchasing agent detailed estimates of their requirements in supplies, materials, equipment, and contractual services in such manner, at such times, and for such periods as the ~~City Council~~ *City Council* shall prescribe. The requirement for preparing estimates shall in no wise prevent any using agency from filing with the purchasing agent at any time a requisition for any supplies, materials, equipment,

or contractual services the need for which was not foreseen when the detailed estimates were filed.

Section 4. ~~CONTRACT PROCEDURE FOR PURCHASES NOT WITHIN THE SCOPE~~  
~~OF SECTION 874 MUNICIPAL CORP. ACT VI CLASS CITY.~~ All expenditures for supplies, ~~equipment~~, or contractual services amounting to more than \$ 500.00 shall be made on the basis of a written contract. Notices inviting sealed competitive bids shall be published at least once in a newspaper or journal in the city and at least 5 calendar days shall intervene ~~between~~ the last date of publication and the final date for submitting bids. Such notices shall state the general description of the article to be purchased, where specifications can be obtained, and the time and place for the opening of bids. The purchasing agent shall, in addition, solicit sealed bids from prospective suppliers by sending them copies of newspaper notices, bid form, and specifications to acquaint them with the proposed purchase. All proposed purchases of supplies, equipment, or contractual services to be purchased by contract shall also be advertised by notices posted on a bulletin board in the municipal building.

All bids shall be submitted sealed to the purchasing agent. In the case of construction contracts, or purchases involving large sums of money, the city council may provide that the successful bidder shall post a surety bond in the amount that it deems proper. The bids shall be opened publicly by the purchasing agent at the time and place stated in the public notice. After examination and tabulation by the city purchasing agent, all bids may be inspected by the competing bidders. The bids shall then be transmitted to the ~~Mayer~~ <sup>City Council</sup> with the recommendation of the purchasing agent. ~~The Mayor will submit his recommendations as to the award to the city council.~~ The City Council may reject any or all bids, or the bid for any one or more commodities included

in the proposed contract, when the public interest **will** be served thereby. ~~When~~ the public interest ~~will~~ be served thereby, the city council ~~may~~ authorize the ~~purchase of the commodities~~ in the open market, provided the price paid in the open market shall not exceed **any** bid price submitted for the ~~same commodity~~. Otherwise the contract **shall** be awarded by the city council on the basis ~~of~~ the bid most advantageous to the city. The purchasing agent shall take into consideration quality offered with the bid, delivery ~~terms~~, **and** the service reputation of the vendor in ~~making~~ his ~~recommendation~~ as to the ~~award~~ to the city council **whose** decision shall be final,

Section 5. **OPEN MARKET ORDERS.** All **purchases** of supplies, materials, equipment, or contractual services the estimated cost of which is less than \$ ~~100.00~~, **may** be made ~~in~~ the open market, without newspaper advertisement ~~and~~ without the necessity of observing ~~the~~ procedure prescribed by Section ~~4~~ for the award of contracts.

All open market purchases shall, wherever possible, be based ~~on~~ at least three competitive bids and shall be awarded ~~on~~ the basis of the bid most advantageous to the city. The purchasing agent ~~may~~ solicit bids by direct mail request to prospective vendors, by telephone, and ~~by~~ public notice on a bulletin board in the municipal building. The city purchasing agent shall **keep** a record of all open market orders ~~and~~ the bids submitted in competition thereon ~~and~~ such records shall also be open to public inspection.

Section 6. **ENCUMBRANCE OF FUNDS.** Except in cases of emergency, the **purchasing** agent shall not issue **any** order for delivery ~~on~~ a contract or **any** open market order unless and until the City Clerk certifies that there is to the credit of each ~~of~~ the using agencies concerned a sufficient appropriation balance, ~~in~~ excess of all unpaid obligations, to defray the cost of such supplies, materials, equipment, or contractual

services.

Section 7. **EMERGENCY PURCHASES.** In case of emergency and with the prior verbal approval by telephone or in writing from the purchasing agent to the department to make emergency purchases, any or all using agencies may purchase directly any supplies, materials, or equipment costing <sup>\$500.00 or</sup> less ~~than \$500.00~~ whose mediate procurement is essential to prevent delays in the work of the using agency which may vitally affect the life, health, or convenience of citizens. The head of a using agency making such an emergency purchase shall prepare in triplicate the emergency purchase order setting forth all details including a full explanation of the circumstances of the emergency: Original to be delivered to vendor, duplicate sent to purchasing agent, and triplicate retained by issuing department. The purchasing agent will prepare and issue a confirming purchase order upon receipt of his copy of emergency order in order that all proper payment of vendor can be made. The purchasing agent shall recommend to the City Council rules and regulations prescribing further details of the procedure under which emergency purchases may be made.

Section 8. **INSPECTION.** The purchasing agent shall inspect or supervise the inspection of all deliveries of supplies, materials, equipment, or contractual services to determine their conformance with the specifications set forth in the order or contract. Any department having the staff and facilities for adequate inspection may be authorized by the purchasing agent to inspect all deliveries made to such using agency under rules and regulations which the purchasing agent shall recommend and which shall be adopted by the City Council. The purchasing agent shall have authority to prescribe chemical and physical tests of samples submitted with bids and sample of deliveries to determine their quality and conformance with the city's specifications.

*5/21/21*  
In the performance of such tests, the purchasing agent shall have authority to make use of laboratory facilities of **any** agency of the city government or any outside laboratory. The cost of such tests shall **be** charged to the appropriation of the agency **in** whose behalf the test is made.

Section 9. **SURPLUS STOCK.** All using agencies shall submit to the purchasing agent, at such times and in such form as he shall prescribe, reports showing stocks of supplies, materials, and equipment on hand awaiting use. **When** a surplus of stock exists the purchasing agent **may** transfer **it** to any other agency or agencies which have need for **it**. The City Council may authorize the purchasing agent to sell **all** supplies, materials, and **equipment not** needed for public use or that **may** have become unsuitable for public use. **Any** such sale shall be based on competitive bids and shall be conducted in accordance with regulations to be prescribed by the City Council.

Section 10. **STOREROOMS AND WAREHOUSES.** The purchasing agent shall supervise **any and** all storerooms and warehouses which **may** hereafter be established and placed under his control. **The** city council shall provide **a** stores revolving fund of sufficient **amount** to finance the purchase and storage of standard supplies, materials, and equipment which may be purchased and stored advantageously, and shall prescribe **by** ordinance the operation and custody **of** such fund.

Section 11. **RULES AND REGULATIONS.** The purchasing agent shall prepare, and from time **to** time amend, all rules and regulations authorized by this ordinance and any others necessary to its operation; such rules and regulations and amendments thereto shall be subject to the approval of the City Council. The purchasing agent shall also **submit** to the City Council an annual report **on** the **work of** his office, as conducted in accordance with **the** provisions **of** this ordinance, and **may** submit from time to time recommendations for changes which he deems

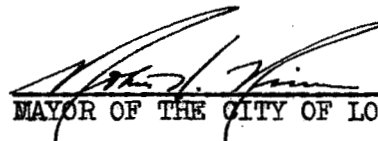
necessary.

Section 12. All ordinances **and** parts of ordinances in conflict herewith are hereby repealed in **so** far as **such** conflict may exist.

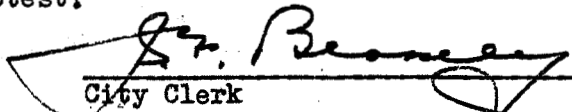
Section 13. **This** ordinance shall be published one ~~time~~ in the LODI TIMES, the official newspaper of this City, and **shall** be in force **and** take effect **April 1, 1948**.

Approved this 3rd day of December, 1947.

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MAYOR OF THE CITY OF LODI

Attest:

  
City Clerk

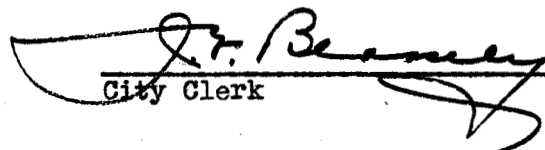
I, J. F. Blakely, City Clerk of the City of Lodi do hereby certify that the foregoing Ordinance No. 361 **was** regularly introduced in the City Council of said City on the 19th day of November, 1947, **and was** thereafter on the 3rd day of December, 1947, passed, adopted, and ordered to print by the following vote:

AYES: Councilmen, Haskel, Lytle, Tolliver & Rinn

NOES: Councilmen, NONE

ABSENT: Councilmen, Riggs

I further certify that Ordinance No. 361 **was** approved and signed by the Mayor on the date of its final passage.

  
City Clerk

December 3 1947